

PATENT COOPERATION TREATY

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NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE
 in its capacity as elected Office

Date of mailing (day/month/year) 03 July 2001 (03.07.01)	
International application No. PCT/US00/27134	Applicant's or agent's file reference CM2210MQ/VB
International filing date (day/month/year) 02 October 2000 (02.10.00)	Priority date (day/month/year) 08 October 1999 (08.10.99)
Applicant RIEGER, Bernhard et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
 06 March 2001 (06.03.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Pascal Piriou
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PATENT COOPERATION TREATY

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REC'D 20 DEC 2001

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CM2210MQ/VB	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/27134	International filing date (day/month/year) 02/10/2000	Priority date (day/month/year) 08/10/1999
International Patent Classification (IPC) or national classification and IPC D04H1/42		
Applicant THE PROCTER & GAMBLE COMPANY et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 6 sheets, including this cover sheet.

- ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☒ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 05/02/2001	Date of completion of this report 18.12.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Serra-Verdaguer, J Telephone No. +49 89 2399 8198 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US00/27134

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-10 as originally filed

Claims, No.:

1-11 as received on 03/08/2001 with letter of 01/08/2001

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US00/27134

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	3-6, 8-11
	No:	Claims	1, 2, 7
Inventive step (IS)	Yes:	Claims	
	No:	Claims	3-6, 8-11
Industrial applicability (IA)	Yes:	Claims	1-11
	No:	Claims	

2. Citations and explanations
see separate sheet

VI. Certain documents cited

1. Certain published documents (Rule 70.10)

and / or

2. Non-written disclosures (Rule 70.9)

see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: US-A-5 594 080

D2: WO-A-99 20664

D3: XP002110148

D4: XP002110149

2. Document D1 (col. 7, line 61-col. 8, line 15, col. 9, lines 27-46 and col. 9, line 58) discloses with respect to claim 1, a fibrous web material comprising a plurality of fibres comprising a polyolefinic homopolymer (see in particular col. 9, line 29) having an isotacticity of less than 60% [mmmm] pentad concentration.

Hence, **the subject-matter of claim 1 is not novel** (Article 33(2) PCT).

Moreover, polyolefinic homopolymers having an isotacticity of less than 60% [mmmm] pentad concentration are well known from Documents D2 (page 1, lines 30-33; page 5, lines 18-30); D3 (page 4353, last paragraph); D4 (page 51, 5th paragraph).

3. Moreover, Document D1 (see in particular col. 9, line 29) is also novelty destroying for claim 2 (Article 33(2) PCT).
4. Document D1 (col. 7, line 61-col. 8, line 15, col. 9, lines 27-46 and col. 9, line 58), discloses all the features of claim 7, i.e. a method for manufacturing fibers from polymeric material comprising a step of processing said polymeric material selected from the group of wet spinning, dry spinning, spinning, semi dry spinning (solvent evaporation or sedimentation), and combinations thereof, the polymeric material comprising a polyolefinic homopolymer having a an isotacticity of less than 60% of [mmmm] pentad concentration.

Hence, **the subject-matter of claim 7 is not novel** (Article 33(2) PCT).

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US00/27134

5. Claim 8 discloses a method for manufacturing a fibrous web material comprising the steps of providing fibers of polymeric material and combining said fibers into a web material.

The subject matter of claim 8 differs from the already well known methods for manufacturing a fibrous web material known from the prior art only in that the fibres used comprise a polyolefinic homopolymer having an isotacticity of less than 60% of [mmmm] pentad concentration.

However, the simple fact of using a specific kind of fibres does not alter in any way the well known methods for manufacturing a fibrous web. Moreover as already argued above such kind of fibres are already known from the prior art.

The same arguments apply for claim 10.

Thus, the subject-matter of claims 8 and 10, does not involve an inventive step and does not satisfy the criterion set forth in Article 33(3) PCT.

6. Dependent claims 3 to 6, 9 and 11 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to inventive step (Article 33(3) PCT), the essential features thereof come within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can be readily contemplated in advance.

Re Item VI

Certain documents cited

Certain published documents (Rule 70.10)

Application No Patent No	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
DE-A-198 16 154	21.10.99	09.04.98	

Document DE-A-198 16 154 does not form part of the state of the art according to Rule 64.1 b) however, it appears to disclose all the features of the claimed invention. Moreover, the applicant should be aware that the validity of the claimed priority has not been checked.

Re Item VIII

Certain observations on the international application

Although claims 7, 8 and 10 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection.

Hence, claims 7, 8 and 10 do not meet the requirements of Article 6 PCT.

In order to overcome this objection, it would appear appropriate to file an amended set of claims defining the relevant subject-matter in terms of a single independent method claim followed by dependent claims covering features which are merely optional (Rule 6.4 PCT).

CLAIMS (amended 01-~~1~~ 2001)

1. A fibrous web material comprising a plurality of fibers characterized in that said fibers comprise a polyolefinic homopolymer having a an isotacticity of less than 60% of [mmmm] pentad concentration.
2. ~~An article~~A fibrous web material according to Claim 1 wherein said homopolymer is polypropylene.
3. An article comprising a fibrous web material according to Claim 1.
4. An article according to Claim 3 wherein said article is a hygienic article.
5. A hygienic article according to Claim 4 wherein said article is a disposable absorbent article.
6. An article according to Claim 3 wherein said first element is a construction element of the article.
7. A method for manufacturing fibers from polymeric material comprising a step of processing said polymeric material selected from the group of wet spinning, dry spinning, melt spinning, semi dry spinning (solvent evaporation or sedimentation), and combinations thereof characterized in that said polymeric material comprises a polyolefinic homopolymer having a an isotacticity of less than 60% of [mmmm] pentad concentration.
8. A method for manufacturing a fibrous web material comprising the steps of
 - providing fibers of polymeric material
 - combining said fibers into a web materialcharacterized in that

said fibrous web material comprises a polyolefinic homopolymer having a an isotacticity of less than 60% of [mmmm] pentad concentration.

9. A method for manufacturing a fibrous web material according to Claim 8 wherein
said step of combining fibers is selected from the group of meltblowing, spunbonding, carding, air laying, wet laying, weaving, knitting, bailing, and combinations thereof.
10. A method for stabilizing a fibrous web material comprising the steps of
 - providing a fibrous web material
 - stabilizing step said fibrous web materialcharacterized in that
said fibrous web material comprises a polyolefinic homopolymer having a an isotacticity of less than 60% of [mmmm] pentad concentration.
11. A method for stabilizing a fibrous web material according to Claim 10 wherein
said step of stabilizing is selected from the group of hydroentangling, thermo bonding, pressure bonding, air through bonding, needling, resin bonding, combinations thereof.